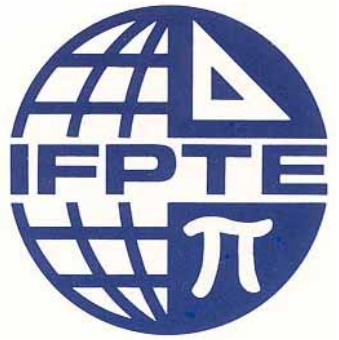

INTERNATIONAL FEDERATION OF
PROFESSIONAL AND TECHNICAL ENGINEERS,
AFL-CIO & CLC

Testimony of
Gregory J. Junemann
President

International Federation of
Professional & Technical Engineers (IFPTE)
AFL-CIO & CLC

Prepared For:

Senate Subcommittee on
Oversight of Government Management,
the Federal Workforce, and the District of Columbia

Hearing:
"*Labor-Management Forums in the Federal Government*"

Tuesday, October 11, 2011 – 2:30pm
342 Dirksen Senate Office Building

Testimony of Gregory J. Junemann, President
International Federation of Professional and Technical Engineers, AFL-CIO & CLC

Good afternoon. I am Gregory Junemann, President of the International Federation of Professional and Technical Engineers (IFPTE). I would like to thank Chairman Akaka and the members of the Subcommittee for the invitation to testify today.

I would like to also extend a personal note of appreciation to Chairman Akaka and his Subcommittee staff. At the conclusion of this Congress Senator Akaka will cap off a distinguished career serving the citizens of Hawaii and our nation. As a union representing tens of thousands of federal workers, including federal workers represented by IFPTE Local 121 at the Pearl Harbor Naval Shipyard, IFPTE commends the Chairman for his long standing support for the members of IFPTE Local 121, and for federal workers overall. On behalf of Local 121's President, Jamie Kobayakawa, Local 121 member, Don Bongo, IFPTE Executive Vice President, Ben Toyama, and the entire IFPTE family, we thank you for your service to our nation. We will not soon forget your leadership and strong voice for working Americans.

Background and IFPTE's Views on Federal Government Partnerships

The issue being looked at today deals with 'labor management forums in the federal government', and how effective they have been for taxpayers, workers and managers alike. After an eight year hiatus from formal partnerships in the federal government, President Obama issued Executive Order 13522 (EO 13522) on December 9, 2009, directing federal government managers to work collaboratively with their unionized workers. At the time IFPTE hailed the EO, saying that it "will create an environment in which meaningful and positive change can occur to the benefit of not only the American taxpayer, but also to the benefit of dedicated federal workers." IFPTE continues to stand by that statement and remains in firm support of federal government partnerships. This testimony will show concrete examples of where partnership has, and continues, to produce significant benefits for taxpayers and federal workers.

With EO 13522 also came the creation of the National Council on Federal Labor-Management Relations, co-chaired by Office of Personnel Management (OPM) Director John Berry, and Office of Management and Budget (OMB) Deputy Director for Management Jeffrey Zients. This council is comprised of both labor and management officials, with the IFPTE president holding one of the seven labor seats. The group is tasked with oversight of the implementation of EO 13522, and our mission is to serve in an advisory capacity.

Of course we all know that the United States government is operating at a deficit, and regardless of how that came to happen, President Obama is tasked with wiping out the red ink. He has put forward various proposals, including a budget, a jobs package, and recommendations to the Joint Select Committee on Deficit Reduction, that purport to cut trillions of dollars from the nation's deficit, while at the same time, maintaining a reasonable degree of government service and job creation.

IFPTE is not oblivious to the clear reality that lawmakers will address federal spending in ways that will require agencies to make changes to how they do business, and potentially eliminate programs and reorganize operations. While it is difficult to predict now what programs and operational changes will be initiated as a result of FY12 appropriations decisions and recommendations made by the Joint Select Committee on Deficit Reduction, it is likely that these changes will be significant, wide spread and will greatly impact the federal workforce. IFPTE believes that partnership is even more important, not only for the workforce, but for the services taxpayers depend on during such uncertain times.

Implementing Executive Order 13522 – What it Means for Past, Current, and Future Partnerships

EO 13522—Creating Labor-Management Forums to Improve Delivery of Government Services—requires all federal agencies to "**make a good-faith attempt to resolve issues concerning proposed changes in conditions of employment ... through discussions in its labor-management forums**." In his memorandum to heads of departments and agencies on January 29, 2010, Director Berry noted that Labor-Management Forums (LMFs) "can improve the working relationship between employees and the employer and support changes needed to enable agencies to deliver the highest quality services and products to the public." While there have been great successes and continued challenges, IFPTE applauds Director Berry for his leadership in attempting to ensure that the President's vision on partnership is ultimately achieved.

IFPTE remains fully supportive of EO 13522 and the Obama Administration's commitment to making it work. In fact, even before taking office, and after winning the Presidency in November 2008, IFPTE actively encouraged the President's transition team to re-establish formal partnerships in the federal government. Contrarily, one of the first orders of business when President Bush assumed office in 2001 was to overturn the Clinton era partnership EO. President Bush did not forbid management from engaging in partnership, but his actions did encourage most partnerships to end. Nonetheless, and much to their credit, some federal government entities voluntarily continued with partnership. Two of the successful partnership arrangements enjoyed by IFPTE members that continued during the Bush Administration were at the Bremerton Naval Shipyard in Washington State, where IFPTE Local 12 is located, and at the Pearl Harbor Naval Shipyard, where IFPTE Local 121 is located. This is important to mention because in places where partnership has been well established there exists concrete evidence of benefits to the taxpayer. This is particularly true at the Pearl Harbor Naval Shipyard, in Chairman Akaka's home state of Hawaii, where partnership has led to the creation of the "Moonshine Program", a collaborative project between the Hawaii Federal Employees Metal Trades Council (HFEMTC) and management to better streamline projects in the shipyard. Moonshine, which was presented to the National Council this past May by IFPTE Executive Vice President and HFEMTC officer, Ben Toyama, has saved taxpayers tens of millions of dollars. The moonshine project is a shining example of how a well-established partnership continues to deliver top quality services to the taxpayers.

Along with the partnership at Pearl Harbor, IFPTE is also proud of the newly established partnership at NASA. As NASA's largest civil servant union, we point to the NASA

partnership, or agency-wide Labor Management Forum, created as a result of President Obama's EO as one of its early, but great, successes. The NASA partnership, like most other partnerships established under President Obama's EO, is still in its infancy but will reap huge benefits to the taxpayers as it continues to evolve.

The NASA partnership is a great example of where the full intent of the President's EO is being implemented. For example, NASA's partnership is a decision making body that is co-chaired by NASA Deputy Administrator, Lori Garver, and the President of the NASA Council of IFPTE Locals (NCIL), Lee Stone. Along with the five IFPTE seats on the national NASA partnership are two seats allotted for the American Federation of Government Employees (AFGE). IFPTE is proud of the productive working relationship established at NASA with our AFGE and NASA management partners. This testimony will expand later on both the NASA and Pearl Harbor success stories.

With successes however also come challenges, and some IFPTE Locals are facing some pretty large hurdles. Simply stated, the President's EO requires a culture change and in many federal government locations, including at Department of Defense (DoD) installations, there are problems. Of course this is not unique to IFPTE. Most unions representing federal workers are having similar problems establishing partnerships that meet the true intention of President Obama's EO. With respect to IFPTE, we can point directly to two examples—one at the Social Security Administration (SSA) and the other at the Naval Surface Warfare Center (NSWC) in Philadelphia. There are more locations, including the Defense Logistics Agency (DLA) in Columbus, Ohio, where IFPTE Local 7 is located, and NAVAIR in Jacksonville, Florida, where IFPTE Local 22 is located. These Locals, along with several other IFPTE Federal Locals, continue to experience an inflexible management culture where the effort is not geared toward establishing a successful partnership. Rather, it is focused on frustrating any legitimate effort to implement the President's directive. Along those lines, IFPTE has compiled a summary of responses received from IFPTE Federal Locals throughout the nation as to the status of their efforts to fulfill President Obama's EO. That survey, with the verbatim responses from IFPTE federal Locals, is attached to the end of this testimony.

For the purposes of this testimony, IFPTE will focus on SSA and NSWC Philadelphia as two of the primary examples of where partnership is not currently working. Whether it be management's misguided perception of a loss of some power by sitting across the table from labor, anti-union animus that remains in place at SSA from the last administration, or the malicious non-compliance with a Presidential directive by reinterpreting the EO to fit their purposes, management in some locations has looked for every avenue to avoid meaningful partnership. While we can only speculate as to the reasons, we are quite certain that at both SSA and NSWC Philadelphia, management is simply 'running out the clock' to see if they can stall partnership until the end of the President's first term. In other words, they are waiting to see if the President will win a second term before deciding whether or not to take partnership seriously. This is an unfortunate, but accurate reality. Even without the EO, both Management and Labor are federal employees and should therefore be working together for the good of their agencies and their country.

Before turning to concrete examples of where partnership is working and where it is not, I want to first talk about training.

Training is Essential to Partnership Success

It will be nearly impossible to realize successful implementation of EO 13522 without proper training for both labor and management. In that regard, the Federal Labor Relations Authority's (FLRA) Office of General Counsel (OGC), the Federal Mediation and Conciliation Service (FMCS), and the Department of Veterans Affairs (VA) have stepped up to the plate in providing the necessary training.

There are two aspects to the training that I'd like to highlight:

1. Live session training being conducted jointly by the FLRA OGC and the FMCS. This training provides workers and managers with an overview of the EO, how to establish a forum, and ongoing support of LM forums. So far this training has reached over 6,000 federal workers.
2. Online self-paced tutorial created by the FLRA OGC and VA that is readily available to every federal worker, union representative and manager. It is a 90 minute training that is flexible enough to be completed in segments. This training tool has the potential to give every federal supervisor and union steward a working knowledge of EO 13522, including the proper way to deal with pre-decisional information (PDI).

With respect to the online training, IFPTE recommends to our union partners and management, an aggressive outreach campaign to all rank and file federal workers and managers encouraging them to complete the online training. It can accommodate hundreds of thousands of individuals simultaneously. Like many other unions, IFPTE has posted this online training on our webpage for easy access by IFPTE members.

It is worth noting that this training has received rave reviews by those who actually receive the training. While the FLRA, FMCS and VA budgets continue to be stretched, like most agencies, they have nonetheless found a way to provide top quality training at very little cost. That said, it is also worth mentioning IFPTE's ongoing disappointment with House and Senate appropriators in providing the FLRA with a shoe-string budget for FY12. Granted, these are tough fiscal times. However, this EO, and the FLRA and the training it is providing is critical to the success of this EO. Providing the FLRA with a minimal investment in the form of a $30 million FY12 budget will reap huge benefits for federal government efficiency, particularly in such uncertain times.

IFPTE Experiences with Partnership – Huge Efficiencies Achieved in Some Places, Ongoing Hurdles in Others

So, which agencies represented by IFPTE are truly engaging in partnership and which agencies are not? The next section of the testimony has been broken into three pieces to answer this question. (1) Where partnership is working – more detailed descriptions of the NASA

partnership and the Pearl Harbor Moonshine program; (2) Where the President's EO is being disobeyed - pointing to SSA and NSWC Philadelphia of examples of where partnership remains stalled, and; (3) New Beginnings at the DoD – While the overall DoD national partnership is simply a 'meet and confer' process, there does remain a unique, but very worthwhile partnership that was created as a result of the Fiscal Year 2010 (FY10) National Defense Authorization Act (NDAA) that mandated a labor-management collaborative effort to create a DoD-wide performance management system.

Let's start with the positive:

Where partnership is working for IFPTE:

I. NASA:

There is no better way to reflect on the promise of the new NASA partnership than by reading the October 7th letter, jointly signed by the NASA partnership Co-Chairs—NASA Deputy Administrator Lori Garver and Labor Caucus Chairman and NASA Council of IFPTE Locals President Lee Stone—that we ask be submitted for the record. Both Management and Labor are celebrating the improved decision making and process streamlining at NASA, fostered by a new culture of mutual respect and cooperation. Both sides are embracing a new approach of working jointly towards the betterment of the Agency they love, rather than engaging in wasteful bickering over procedural minutia or posturing over legal authorities. Although NASA is just beginning to reap the rewards of partnership, Labor-Management cooperation is already yielding tangible results with Management as it shapes its new labor policy decisions with input from Labor, which includes reforms that will increase productivity and reduce administrative costs. Once the legalistic pretense is peeled away, it is remarkable how often consensus can be reached, as the only discussion issue becomes how NASA can best deliver top notch services more efficiently and effectively for the American taxpayer. Furthermore, in the contagious spirit of cooperation, Labor has begun to waive its statutory procedural rights, thereby accelerating implementation timelines and thus decreasing both legal and administrative costs. Concrete cost and time saving numbers will be available by the end of FY12. IFPTE looks forward to sharing those numbers with this Subcommittee.

II. Pearl Harbor Naval Shipyard Moonshine Program and Partnership:

As previously explained, IFPTE Executive Vice President Ben Toyama presented earlier this year to the National Council the Pearl Harbor Moonshine Program, and gave concrete examples of where the program has resulted in great efficiencies.[1] In 2005, the HFEMTC at Pearl Harbor Naval Shipyard, including IFPTE, began to form a Union program of process improvement. With a proactive partnership with management, Labor created the "Moonshine" process improvement. **The "Moonshine" program has saved the Navy millions of dollars in cost and schedule**.

[1] Hawaii Metal Trades Council Moonshine Presentation to National Labor-Management Council, May 18, 2011, http://www.lmrcouncil.gov/meetings/handouts/Final%20Overall%20Moonshine%20Presentation%20May%202011%5B1%5D.pdf

One of the most successful Moonshine projects at Pearl Harbor is the Virginia Class Submarine Battery change team. In February 2011, the Moonshine Battery Team accomplished the battery change out on the USS Texas in record-time by completing a 30 day schedule in 15 days. They repeated their performance in July 2011 on the USS Hawaii. The savings the Navy realized was $435,000 per vessel for a total of $870,000. When it comes to the ultimate metric to measure success of a Labor-Management partnership, the Moonshine metric of monetary savings for the taxpayer is the most appreciated measure. Indeed, the Moonshine process improvement work teams at the Pearl Harbor Naval shipyard prove that proactive partnership between Labor and Management can and will work.

Here is a sampling of some, but not nearly all, of the other realized efficiencies achieved through the Pearl Harbor Moonshine program:

- Increased safety and a reduction by half the man hours required to paint tanks by using a personal cooling hose to be worn by painters entering a tank;
- Increased productivity by 33% and savings of 210 fiscal year man hours by installing cabinets with a new brand of installation jig;
- Reducing from 15 shifts to 3 shifts for fluid changing times by using a more efficient pump to change hydraulic fluid, and;
- Saving over 75 man hours per fiscal year by implementing a new draining method for chill water systems.

How does it work? Pearl Harbor Moonshine teams, made up of both management and labor, meet for one hour on Mondays, Wednesdays, and Fridays, to discuss ideas brought to the Moonshine Teams from the rank and file. The teams determine if better safety and efficiency can be achieved and move accordingly to implement good ideas into actual practice. As you can see, the results have been extraordinary.

And, this is not just IFPTE blowing our own horn. The Pearl Harbor Moonshine program has been recognized well beyond Pearl itself. In December 2009, Pearl Harbor was awarded the Robert T. Mason Award for Excellence, an annual award presented to one outstanding program at a major DoD-level maintenance facility. The award recognizes exceptional quality of maintenance support, outstanding mission accomplishment, effective support of warfighters, and logistics process innovation. It is given to the program that best exemplifies responsive, transformed, organic depot-level maintenance support to DOD operating units. Pearl Harbor Naval Shipyard became the first Navy activity to win the Mason Award and this accomplishment is due in no small part to the Moonshine partnership.

Concurrent with the Moonshine partnership and in compliance with EO 13522, on April 20, 2011, the first official command-level Labor Management Workshop was conducted for Pearl Harbor Naval Shipyard. Twenty-one managers and twenty-four labor representatives were in attendance. Agreements, actions, as well as the framework for union representative involvement in pre-decisional meetings were established. Navy Region Hawaii Human Resources Office gave training on the Executive Order 13522. The purpose, intent, rights of employees, union and management and pre-decisional involvement were all discussed.

FMCS of Honolulu facilitated the follow up discussion. Ultimately it was decided that the goal is to establish collaborative Department and Production Shop level forums throughout the Shipyard. Code 132 and Code 950 became the pilot projects for developing structured collaborative labor-management forums.

On September 23, 2011, the second command-level Labor Management Workshop was held. In this forum the results of the pilot projects were discussed. The parties agreed to continue to establish more pilot projects to build "partnerships" at the production shop levels.

Where partnership is not working for IFPTE:

I. Naval Surface Warfare Center (NSWC), Philadelphia:

IFPTE Local 3 has conducted numerous meetings with the management of Naval Surface Warfare Center, Carderock Division (NSWCCD), in Philadelphia to generate a charter for the Labor Management Forum (LMF). This process, which continues to stall, was initiated in March 2011 and continued with monthly meetings until July 2011. It should also be noted that IFPTE Local 3 does not have any alternate forum or partnership with NSWCCD.

The interpretation of EO 13522 by IFPTE, including IFPTE Local 3, is that the purpose of the LMF is for management to discuss workplace challenges and problems with labor to develop solutions jointly, rather than advise union representatives of predetermined solutions to problems and then engage in bargaining over the impact and implementation of the predetermined solutions. In effect, this would increase government efficiency through streamlining what otherwise may be addressed through a collective bargaining process. To that end, IFPTE Local 3 desires that the LMF be a decision making rather than a recommending body.

Conversely, it is the desire of NSWCCD management to create a recommending body where the proceedings are to remain confidential. As part of negotiations over the charter, which did have a Federal Mediation and Conciliation Service (FMCS) representative present at each meeting, it was agreed that executive summaries could be made public, but that minutes were to remain confidential after the LMF charter has been signed.

When pressed for a reason why the LMF was to be a recommending and not a decision making body, the reply from the NSWCCD co-chair of the LMF was that none of the management representatives at the table had decision making capabilities. To IFPTE Local 3, this appeared to be in contravention of a May 18, 2010 memorandum titled “Establishment of Labor-Management Forums in the Department of Defense” from the Under Secretary of Defense for Personnel and Readiness, Dr. Clifford Stanley (see attached document), which recommends that “labor-management forums should be led by relevant decision makers and supported by appropriate staff.” When pressed further on this issue, the reply from NSWCCD management was that the memorandum from the Under Secretary of Defense contained recommendations, not directions, and that the recommendations were considered and rejected.

Subsequently, the Commanding Officer created a leadership meeting to facilitate development of the LMF charter outside of the LMF environment. At this September 20, 2011 meeting, division heads were present. The issue of recommending versus decisional was discussed, and management related that decision making authority was vested in the Commanding Officer and the issue of recommending versus decisional was strictly one of semantics. Nevertheless, the creation of a decision making body remains at a standstill.

After the leadership meeting, the request by IFPTE Local 3 to have the Local 3 President and one representative attend the National Labor Management Council Meeting of September 21, 2011 was conducted by OPM, and was denied by NSWCCD (see attached memo from NSWCCD Commanding Officer).

To date NSWCCD, Philadelphia is failing to live up to the true intention of EO 13522.

II. The Social Security Administration:

IFPTE is proud to represent Administrative Law Judges (ALJs) at SSA. Unfortunately, the Association of Administrative Law Judges, IFPTE Judicial Council 1 (AALJ/IFPTE JC1) has not yet experienced any benefit from the President's EO. The impaired vision of SSA management has been to delay implementation of the Executive Order and thus avoid having to meet with its Forum counterparts. Only within the last few months has the Agency agreed to an organizational charter to govern the operation of the Forums. The first substantive AALJ/IFPTE Forum meeting will take place during the week of October 17.

This delay approach by SSA has precluded the AALJ from participating in discussions with agency executives over significant issues involving the disability adjudicatory system. The AALJ strongly believes that problems flowing from the backlog of disability cases could have been minimized had the Agency not delayed its compliance with the President's Executive Order. While the AALJ is cautiously optimistic over the future success of Labor Management Forums at SSA, it remains concerned that the prevalent anti-union attitude of the last several years will limit its ability to address important issues as contemplated by the President's Executive Order.

If it were not for the stalled process at SSA, this is one of the forum's that could have quickly resulted in huge benefits to taxpayers. As scored out by Senator Coburn in his "Back to Black" deficit reduction proposal, major taxpayer savings could be achieved through streamlining and revamping the Social Security disability process. Coincidently, Senator Coburn and the AALJ/IFPTE views on the Social Security disability process are similar, and it is the AALJ/IFPTE's view that the savings outlined in his report could be achieved if there were a real and meaningful labor-management forum as SSA.

New Beginnings at the DoD – An Unanticipated, but Effective Partnership

As this Subcommittee knows well, the FY10 National Defense Authorization Act (NDAA) repealed the so-called National Security Personnel System (NSPS). This bipartisan supported repeal came about for various reasons and was fully supported by IFPTE.

With the repeal of NSPS also came authorities to allow the DoD certain flexibilities for moving forward with a performance management system. Section 1113 of the FY10 NDAA gave the DoD the authority to work on personnel and hiring reforms of their own, separate and apart from what OPM and OMB may do with other Executive Branch agencies. Granted, this authority requires the DoD to work with OPM and labor, but it also allows the DoD to move forward separate from whatever OPM may do. Included in these flexibilities were certain requirements and expectations of management. Among them was the requirement that the DoD work hand in hand with not only OPM, but also with labor. In other words, Senate Armed Services Committee Chairman Levin, Armed Services Committee Member, Senator Collins, and then House Armed Services Committee Chairman Skelton wanted to ensure that if DoD decided to move forward, they needed to do so with labor as an equal partner. There was also an expectation that any new performance management system make full use of the flexibilities already inherent within the GS system. This last point is directly aligned with IFPTE's position on any performance management system.

In IFPTE's view, what has resulted is one of, if not the most successful labor-management collaboritive efforts the federal government has seen in some time. While this may not be a 'formal' partnership arrangement, it certainly can serve as a blueprint of how to implement one.

What has now become known as "The New Beginnings" process, and is close to wrapping up its work, is a collaborative effort made up of both DoD workers and DoD managers working together to create a DoD-wide performance management system that remains within the scope of the current GS and Wage-Grade pay systems. The original lead from the management side was John James, who testified before this Subcommittee back on June 9, 2010 about this, and the NSPS transition. Mr. James has since been promoted and the task has now been handed over to Deputy Under Secretary of Defense for Civilian Personnel Policy, Pat Tamburrino, who is testifying here today. Without going into too much detail about the work of the New Beginnings team, as Mr. Tamburrino will do, I will just provide the Subcommittee with the following views from IFPTE's perspective.

First, I want to point out that a final product on performance management has yet to reveal itself. The New Beginnings labor-management team is in the final stages of completing its work, with a final product due to be released later next month. IFPTE is optimistic that the final product will be one that can be endorsed by both labor and management, and could possibly even be a blueprint for a performance management system to be emulated elsewhere in the federal government.

IFPTE applauds this process. While there have been some bumps along the way, which is fully expected in a process of this magnitude, New Beginnings has included all of the elements that any effective partnerhip requires, including the flow of pre-decisional information and a good-faith partnership between labor and management. And, as with any effective partnership, neither labor nor management got everything they wanted. This has been a partnership ripe with compromise, productive debate, and meaningful give and take. To the credit of Mr.

Tamburrino, Mr. James before him, and labor, this process has worked and we hope to reap huge rewards for taxpayers, employees and management alike.

Conclusion

The President's efforts with respect to producing real savings for the taxpayer through this EO does not lie within his political will or his ability to rein in Congress. Instead, President Obama's success in creating a more efficient federal government depends upon his ability to engage his own workforce, while demonstrating the need to connect the dots between budget discipline and labor-management partnership. IFPTE believes that he is headed in that direction with the creation and continued implementation of EO 13522.

This concludes my testimony. Thank you again for the opportunity to speak to you today.

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

MAY 18 2010

PERSONNEL AND READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Establishment of Labor-Management Forums in the Department of Defense

Executive Order (E.O.) 13522, "Creating Labor-Management Forums to Improve Delivery of Government Services," requires the Department to establish labor management forums that foster cooperation between labor and management in federal agencies. On April 6, 2010, the Deputy Secretary of Defense signed a memorandum affirming his commitment to cultivating and promoting cooperative and productive labor management relations and establishing forums throughout the Department.

I share the Deputy Secretary's vision in promoting more productive labor management relations within the Department and believe that labor management forums will enhance the way the Department does business. We are making significant progress in creating a Department-level forum. Activities in the Military Departments and the Defense Agencies should begin moving forward immediately in establishing forums at the appropriate levels, particularly at the level of exclusive recognition.

The National Council on Federal Labor-Management Relations has recommended the following Guiding Principles for Labor and Management Forums established under E.O. 13522:

- Labor-management forums should contribute positively to the performance of the agency
- Labor-management forums should promote the economic and workplace interests of employees and managers
- Labor-management forums should operate with a clear charter that grants the parties broad authority to develop solutions jointly on issues that fall outside the scope of bargaining
- Employees and their union representatives should have pre-decisional involvement in all workplace matters to the fullest extent practicable, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C. § 7106
- Management and union officials and participants in labor-management forums should receive training on the requirements of the E.O., the guiding principles, and tools and processes that could assist with problem-solving and conflict resolution
- Labor-management forums should use skilled facilitators at appropriate times
- Labor-management forums should set goals, measure performance, and communicate results
- Managers and union representatives at all levels should be committed to making labor-management forums work, which means being personally engaged
- In the spirit of the larger labor-management engagement process, all parties should take a cooperative approach to collective bargaining
- Labor-management forums should be led by relevant decision makers and supported by appropriate staff
- The parties should devote sufficient resources to the implementation of the E.O.

I know I can count on management to work collaboratively with employee representatives of the Department's dedicated civilian workers in confronting the challenges and opportunities that are facing the Department. I thank you for your cooperation as we move forward in this exciting new era of labor-management relations.

Clifford L. Stanley

DEPARTMENT OF THE NAVY
NAVAL SURFACE WARFARE CENTER
CARDEROCK DIVISION

NAVAL SHIP SYSTEMS
ENGINEERING STATION
5001 S. BROAD STREET
PHILADELPHIA, PA 19112-1403

IN REPLY REFER TO
12771
Ser 3250/NS048
20 Sep 2011

From: Commanding Officer, Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station
To: John Garrity, President, International Federation of Professional and Technical Engineers (IFPTE), Local 3

Subj: DENIAL OF EXCUSED ABSENCE FROM DUTY

Ref: (a) IFPTE Local 3, ltr of 15 Sep 2011, Subj: Official Time to Attend the Labor Management Council Meeting
(b) Negotiated Agreement between NSWCCD-SSES and IFPTE Local 3 dtd 5 Oct 07, Article 14

1. Reference (a) was received on September 16, 2011. Reference (a) requests 8 hours official time for you and 8 hours official time for Paul Dobias, Steward, to attend the National Council on Federal Labor-Management Relations meeting on September 21, 2011, in Washington, DC. Reference (a) included a print out from the U. S. Office of Personnel Management website's Events Calendar announcing the meeting and describing the National Council on Federal Labor-Management Relations as an advisory body composed of representatives of Federal employee organizations, Federal management organizations, and senior government officials. The announcement further said that the meetings are open to the public.

2. As reference (a) lacked clarity on your and Mr. Dobias' participation at the meeting, Meg McConnell, Human Resources Advisor, immediately sought clarification of the request. On September 20, you responded that your participation "will aide in the future metric development for the LMF and reporting of status of the LMF," and that "Paul Dobias is attending because he is a member of the Local 3 LMF team."

3. I do not find that reference (a) or your clarification corresponds to any of the categories of representation work or training wherein excused absence or official time was agreed upon under reference (b). As such, I am denying your request.

4. If you have any questions, please contact Meg McConnell, Code 3250, at (215) 897-1477.

J. D. GOMBAS

Copy to 02, 3250, 614, 971

IFPTE Survey Results on E.O. 13522

Local No.	Union's desire to see program succeed?	Union commitment to success? (1-10)	Noticeable efforts by local management?	Effectiveness of mgt's efforts? (1-10)	Comments?	What can be done better (at any level)?
1 Navy Norfolk, VA	Y	10	Y, except NSSA	5	Partnership can only be a good thing for IFPTE Local #1. Sharing of information is the best way to function and prioritize the situations and events that make your Areas successful. It would be great if the word Partnership was in the Federal Register and not rely on an Executive Order to implement.	Pursue the word Parnership in the Federal Register and Union Contracts.
1 NSSA Navy Norfolk, VA	Y	10	N	1	At NSSA there are no regular meetings with the Captain, we are not permitted to attend the Department Head meetings and there is no transparency. There is no forum that the union is included that would allow our input prior to decisions being made. There has been no work on the implementation plan as required by the Executive Order. It is beginning to look like the management at NSSA is just waiting for the partnership initiative to just blow over, waiting for the next President to cancel President Obama's order.	As one of President Obama's appointees to The National Council on Federal Labor-Management Relations, I am requesting you seek the Council's assistance in encouraging NSSA to comply with the Partnership Executive Order. It is clear that NSSA will not embrace partnership without some sort of outside influence. Your attention and assistance in this matter is greatly appreciated
3 NSWC, Philadelphia	Y	10	N	4	Management refuses to agree to the forum being a decision making body.	Management agrees to make it a decision making body.

IFPTE Survey Results on E.O. 13522

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4 Navy Portsmth, NH	Y	10	N	1	FLRA provided a two day off-yard training on the subject EO in 2010. This was accomplished purely for show, in order to create a smoke screen for management's hidden agenda which is to destroy our current partnership which was the "Gold Standard" during our last BRAC. This is based on the fact that IFPTE has had no pre-decisional meetings other than an invitation to attend a pre-decisional meeting on "blood drives". Not only has the Agency ignored the subject EO in its entirety, they have attempted to destroy the only current working partnership at this shipyard which IFPTE Local 4 established back in 1997 under EO 12871. It appears as though mgt got used to rolling over us under the Bush administration, so, they seem to be trying to "wait out" Obama's presidency.	Predeciional involvement on real workplace issues and a commitment from management at every level to engage the union as an equal partner.
22 Navy Jacksonville, FL	Y	10	N	1	MANAGEMENTS POSITION IS THAT THEY HAVE ALL THE COOKIES, GO AWAY. Less Straw, More Bricks	Make Partnering a gradable Element of the Reporting Seniors Fitness Report.

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28 NASA Cleveland, OH	Y	10	Y	5		Management at NASA GRC is starting to go through the motions of including a union Rep. in management meetings. So far, nothing of substance has been gained. We will continue to try to improve the compliance with the EO!
29 NASA Goddard Greenbelt, MD	Y	9	Y	5	At the NASA Headquarters level it appears that the President's EO 13522 is being taken very seriously as evidenced by determined efforts to develop Labor Management Forums, which have been in place with the IFPTE locals since April 2010. At the Center level, e.g., at GSFC the Center management has only just begun its efforts to develop Labor Management Forums. For example, in December 2010 GSFC management provided a draft charter for the labor management forums and labor responded within two weeks in the same month of December, but we have yet to hear from management regarding the status of the Charter or when the Labor Management Forums will begin.	There should be follow-up by White House regarding how well management and labor are responding to the Executive Order. From my perspective at GSFC, management has not taken the EO very seriously, and the Center's response has been very slow considering they've had a year to act on it

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30 NASA Ames, CA	Y	10	3 (center) 9 (agency)	3 (center) 7 (agency)	Once the Deputy Administrator became the management POC at HQ, the Agency process became very effective. Weakness is that not all centers and all programs are equally engaged.	Firm central/agency direction for LM cooperation at all levels down to each center and through each program/mission; too much reliance on individuals to cooperate (i.e. anti-Union pockets remain and block full implementation of the EO). Furthermore, impunity towards ULPs continue at many levels -- Forum should monitor these and generate additional motivation for full compliance with USC 5.
89 Interior Grand Coulee, WA	Y	10	Y	10	Current management is in an "acting" status until a permanent manager is chosen at this location at this time. The project manager's goal was to meet quarterly. Operations of the meetings included stewards of the various unions meeting with the Project Manager. (I attended since being newly elected to the position of president of local 89.) Current management is in an "acting" status until a permanent manager is chosen at this location at this time.	This question does not specifically apply at this time other than a meeting should be called soon since it has been well over 4 months since one was held. Our local doesn't have anything that needs to be brought up, but the trade union stewards usually have items.

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94 DoE Idaho Falls, ID	Y	8	Y, half-hearted	3-4	There have been numerous occasions when the initially agreed upon quarterly LMF meetings have been canceled or not scheduled. We have had only one quarterly meeting since the initiative began – in the first quarter.	Senior management needs to be more committed to meeting the goals and objectives of the Executive Order and also needs to be more engaged in the pre-decisional sharing of information. We don't believe that our management or our Federal Agency (DOE) is really committed to that philosophy despite the EO. Many (but not all) of our managers have expressed their desire to terminate the Labor Agreement and eliminate the union. Most of those managers are the younger managers and have not been involved in L/M issues before. They are not very flexible either, desiring to win the 'negotiations' rather than reach a 'mutually desirable outcome' that benefits both parties. Most of those new and younger managers also use a very heavy hand in decision making and in I&I bargaining.
97 Army Portland, OR	Y	9	y	1		Somebody needs to shake up the army and let them know that they are not any more special than everyone else.
98 Army Corps NYC	Y	8	Y	5	Local 98 has "Partnership" meetings several times a year with our Management, but neither side seems to care if these are conducted on a regular basis.	Local Union and its Management to meet at least once a month, to discuss issues of common concern.

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128 Interior Denver, CO	Y	10	N	0	Our belief is that it is impossible for our current managers to entertain EO 13522 – they haven't tried and I, knowing how they feel about us, don't believe it would be of any use to ask. They were the managers who actively went along with Bush and his assessment of unions, they thoroughly loved the former/deceased Commissioner and the former assistant Commissioner's attitude of unions, and actively participated in undermining our every effort. It would be weird to say the least for them to sit down at the same table and discuss current agency events let alone bargain or even pretend.	We don't really know what to do on this matter. Perhaps the new Administrator, and the only top manager who's been with the Denver Office nearly all her federal career – working herself up from a junior engineer position – is trying to figure out how to bridge the gap. Perhaps she can come up with something. Our local has good rapport with both.
259 Army Memphis, TN	Y	10	N	1	The Memphis District Army Corps of Engineers, have not made any effort to implement a Partnership or honor the Executive Order 13522 with IFPTE local-259.	Once the Memphis District recognizes this union, (IFPTE Local-259) only then we can work together as a Partnership. Right now it Big me and little you.
777 Army Chicago, IL	Y	10	Y	10	We are ahead of the curve for Partnerships. We've been meeting quarterly for over 5 years already. We bring up issues and management works on solving the problems.	
1437 Army Picatinny, NJ	Y	10	N	Incomplete	Locally the Executive order has been completely ignored at my installation of Picatinny Arsenal DoD	a) Make it mandatory to set up and attend a labor management forum by senor management. b) Make it part of the performance evaluation for senior management to participate in the forums

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Judicial Council 1 SSA National	Y	10	Y	1	At SSA, we have not really had a program. We will continue to meet with Agency officials to define the parameters of how we will operate under the Executive Order. However, we are not very optimistic. The overall Labor-Management environment at SSA is patently and overtly antiunion.	As in most programs of this nature, there must be more substance in the Executive Order and more specifics, i.e.; what precisely is the Agency and the union required to do and when must they do it. We had hoped that the Agency would be required to bargain over permissive subjects. This would have been beneficial to the AALJ as we are in the midst of very difficult master collective bargaining agreement negotiations. As important, there must be consequences for failing to following the Executive Order, including removal of the head of Agency. We have lost a year because of the intransigence of Agency management. In our view, that is inexcusable. In sum, Judicial Council Number 1 could not, at this particular point in time, provide any positive feedback on this important Presidential initiative

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Judicial Council 2 EOIR National	Y	10+	Y	1	Our management will certainly argue they're complying and it is true that they seem more cognizant of their duty to meet with us. However at those meetings they are generally unprepared and reactive rather than demonstrating a genuine desire to be helpful. Their attitude is ALWAYS "what is in it for us" and we are constantly met with "Why?" should we do this rather than an open-minded, "Why Not?" approach. They never do anything more than the bare minimum and are not even open to joint trainings by the FLRA for union stewards and agency managers! The sole area where they seem to be "getting it" is allowing us input in space and facilities issues, but even this progress seems very grudging on their part and only because we have invoked hard-fought contract language to get to that point.	We need real collaboration and information sharing. We need management to be proactive in meeting their obligations rather than making the union waste our precious time and resources prodding them (at best) or fighting them (at worst). They also need to be held accountable in the context of performance evaluations which were newly instituted for our unit in 2008. They have failed to rein in a couple of rogue managers who are unreasonable and extreme in their demands of the judges they supervise and their reaction to complaints. They need to embrace the Administration's worklife initiatives such as ten-hour workdays and telework, which they refuse to implement in our unit despite plans showing it would not compromise productivity.

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Judicial Council 2 EOIR National (continued)					Management rejected, without reason, a proposal by our union and another union they work with to create a management forum to address workplace issues and increase the efficiency of our work product. As the Agency has frequently cited lack of funds in the past as an additional reason they cannot make changes or innovate, I would anticipate this will continue for the forseeable future since resources are so scarce government wide.	We also need a real commitment to safety and security issues, which includes a willingness to take on GSA to assure that our locations are in a safe part of town, with secure parking facilities and private access to the workplace for our staff and judges. Management frequently hides behind "other components" of the DoJ as the reason they cannot do something. Management needs to actively engage us to work with those other components" in the planning process, rather than tell us after it is a fait acompli. Management also needs to approach the workplace with some flexibility. Their constant refrain as to why they cannot do something is that they want the workplace to be "uniform". However, this does not recognize that we have judges in over 50 locations and individual employees and groups have specific needs.